



# Request For Variance

State Form 51184 (12/02)

Food Protection Program

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INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/233-7360

FAX: 317/233-7334

FOOD PROTECTION PROGRAM  
INDIANA STATE DEPT. OF HEALTH

## 1. Individual Submitting Request:

Date: 11 / 28 / 2010

Name: Mark Brust

Telephone: (812) 421-8496

Fax: ( )

Mailing Address: 7407 Rich-Lynn Drive

Number & Street

Email: frostymountainice@insightbb.com

Evansville

IN

47712

P.O. Box

City

State

Zip Code

## 2. Person/Organization Seeking Variance:

Name: Frosty Mountain Ice LLC

Email: frostymountainice@insightbb.com

Mailing Address: 7407 Rich-Lynn Drive

Number & Street

Evansville

IN

47712

P.O. Box

City

State

Zip Code

## 3. Food Establishment(s) for Which Variance is Sought

Include the following information for each food establishment: (List here or attach additional pages if necessary)

- Physical Location (if different than mailing address): 1315 West Columbia St. and 3115 Covert Ave. Evansville, IN
- Mailing Address: 7407 Rich-Lynn Drive Evansville, IN 47712  
(Number, Street, City, State, & Zip Code)
- Telephone Number: (812) 421-8496 Fax Number: ( )
- Person at each retail food establishment most responsible for supervising: Mark Brust

## 4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:

(Attach additional pages if necessary)

410IAC 7-24-375 states that all permanent structures in Indiana must have sewers attached for disposal of wastewater. I request a variance that an Ice House Americas Ice House should not be deemed a permanent structure as the unit will be secured to the ground, using cables, but does not have a concrete slab or sub structure. Therefore a sewer connection would not be required. I am asking for a variance allowing the use of a holding tank to store the small amount, (1 gallon a month), of cleaning solution.

## 5. Explain how the potential public health hazards and/or nuisances will be alternatively addressed by the proposal. Include supporting studies, Hazard Analysis Critical Control Point (HACCP) Plan(s), standard sanitation operating procedures, and/or any other evidence: (Attach additional pages, if necessary.)

Attached you will find the state approved designed documents for the Ice House Americas Ice House. In the documents a holding tank can be used to collect a small amount of cleaning solution for the monthly cleaning process. During the rest of the month the holding tank is not attached as the only runoff is condensation from the refrigeration process. The cleaning process does create 1 gallon of a sanitation solution which would need to be disposed of properly offsite. Also attached is the cleaning manual for reference.

## 6. List how the proposal demonstrates the following (if applicable to the request):

A) How the proposal differs from what is common and usual in similar industry situations:  
Monthly or quarterly sanitation procedure does not produce the same amount of wastewater as other food service operations. This machine produces 1 gallon of wastewater per month. The statue was written for much higher volumes of wastewater and could not anticipate this kind of unit being developed.

B) How the proposal is unique and not addressed in existing rules or law:  
The proposal is unique in that the state code does not identify or handle ice manufacturing structures.

C) How the proposal does not diminish the protection of public health:  
The holding tank is used temporarily to gather a sanitation solution during the monthly cleaning process (1 gallon). After the cleaning is completed it will be immediately disposed of without any chance to contaminate any of the surrounding ground. The actual Ice House, outside of the cleaning process, does not create any toxic or harmful chemicals that would affect human consumption of ice. The unit never comes in contact with human skin and a state approved sanitizer will be used. This process is much cleaner than the current industry standard of holding ice in ice bins outside of gas stations.

D) How the proposal is based on new scientific or technological principle(s):  
Not based on new standards just proper use of commonly accepted practices.

E) How the implementation of the variance would be practical:

The implementation of the variance would be practical because only a small amount of waste chemical is produced on a monthly basis (1 gallon). Under the proposed scenario all waste would be disposed of properly without having a sewer tap.

**7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted:**

Each Ice House is an unoccupied structure. To ensure proper handling of the variance requested and the food protection code in general, will be the owner's responsibility. At the time of cleaning, care will be taken when handling the sanitation solution that enters the holding tank. See Attached the document from the Indiana State Department of Health, IN RE THE MATTER OF Ryan Edwards, Hoosier Ice Man LLC, Variance Request Dated March 23,2009 and Section 375, Conveying Sewage.

**8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)**

George Jones - Indiana State Department of Health

David A. Gries - Director, Environmental Division, Vanderburgh County Health Dept.

**9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.**

**For Office Use Only**

**10. Signature of Individual Making Request:**

Printed Name, Title: Mark Brust, President Frosty Mountain Ice, LLC